
**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA : **CRIMINAL COMPLAINT**

v. :

ALTAGRACIA ROSARIO, a/k/a "Grace," : **Mag. No. 05-3101 (PS)**
RONALD HENRY, NANCY ELGENDE, a/k/a :
"NANCY MIRANDA," LIZETTE MAHSEL, :
CARLOS CASTRO, a/k/a "CARLOS CASTRO :
MATAMOROS," LAURA MORAGA, :
CHRIS NIX, JOSE RIOS, and "PELON" LNU, :
a/k/a "JOSE HANSY MOYA" :

I, Patrick T. Glynn, being duly sworn, state the following is true and correct to the best of my knowledge and belief. From at least July, 2005 through September, 2005, in Mercer County, in the District of New Jersey and elsewhere, defendants

SEE ATTACHMENT A

In violation of Title 18, United States Code, Section 371.

I further state that I am a Special Agent with Immigration and Customs Enforcement and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.

Patrick T. Glynn, Special Agent
Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence,

September 26, 2005
Date

at Newark, New Jersey
City and State

HONORABLE PATTY SHWARTZ

Attachment A

From at least July, 2005 through September, 2005, in Mercer County, in the District of New Jersey and elsewhere, defendants

ALTAGRACIA ROSARIO, a/k/a "GRACE,"
RONALD HENRY, NANCY ELGENDE, a/k/a
"NANCY MIRANDA," LIZETTE MAHSEL, CARLOS CASTRO,
a/k/a "CARLOS CASTRO MATAMOROS," LAURA MORAGA,
CHRIS NIX, JOSE RIOS, and "PELON" LNU,
a/k/a "JOSE HANSY MOYA"

knowingly and willfully conspired with each other and with others to produce identification documents knowing that such documents were produced without lawful authority, contrary to Title 18, United States Code, Section 1028(a)(1).

Overt Acts

In furtherance of this conspiracy and to effect its objects, the following overt acts were committed in the District of New Jersey and elsewhere:

1. On or about July 15, 2005, defendants LIZETTE MAHSEL and CHRISTOPHER NIX, at the direction of defendant ALTAGRACIA ROSARIO, met with an unidentified illegal alien in Hightstown, New Jersey to take possession of his passport and to accept payment for their assistance in fraudulently obtaining a Pennsylvania driver's license for him.
2. On or about July 22, 2005, defendant LAURA MORAGA drove an unidentified illegal alien to meet with defendants NANCY ELGENDE and ALTAGRACIA ROSARIO at a strip mall near the Bensalem Division of Motor Vehicles ("DMV"), after which ELGENDE escorted this individual into the DMV to fraudulently obtain a Pennsylvania driver's license.
3. On or about July 27, 2005, defendant ALTAGRACIA ROSARIO instructed defendant "PELON" LNU to provide her with an illegal alien's date of birth so that she could create a fraudulent passport in this alien's name.
4. On or about July 30, 2005, defendant ALTAGRACIA ROSARIO instructed defendant JOSE RIOS to bring an illegal alien seeking to obtain a Pennsylvania driver's license to a DMV employee who would process the alien's application for a driver's license.

5. On or about August 18, 2005, defendant NANCY ELGENDE escorted an illegal alien into the Bensalem DMV to fraudulently obtain a Pennsylvania driver's license whereupon defendant RONALD HENRY directed NANCY ELGENDE and the illegal alien to a computer station to complete a driver's knowledge test.
6. On or about August 21, 2005, defendant CARLOS CASTRO arranged for an illegal alien to meet with defendant ALTAGRACIA ROSARIO to fraudulently procure a Pennsylvania driver's license in exchange for \$2500.

In violation of Title 18, United States Code, Section 371.

Attachment B

I, Patrick T. Glynn, a Special Agent with Immigration and Customs Enforcement, having conducted an investigation and having discussed this matter with other law enforcement officers, have knowledge of the following facts:

1. Law enforcement agents have been involved in the investigation of several individuals, including but not limited to ALTAGRACIA ROSARIO, a/k/a “GRACE” (hereinafter, “defendant ROSARIO”), RONALD HENRY (hereinafter, “defendant HENRY”), NANCY ELGENDE, a/k/a “NANCY MIRANDA” (hereinafter, “defendant ELGENDE”), LIZETTE MAHSEL (hereinafter, “defendant MAHSEL”), “PELON” LNU, a/k/a “JOSE HANSY MOYA” (hereinafter, defendant “PELON LNU”), CARLOS CASTRO, a/k/a “CARLOS CASTRO MATAMOROS,” (hereinafter, “defendant CASTRO”), LAURA MORAGA (hereinafter, “defendant MORAGA”), and CHRIS NIX (hereinafter, “defendant NIX”) (collectively referred to hereinafter as “the Subjects”). At all times relevant to this complaint, defendant HENRY was an employee of the Pennsylvania Department of Motor Vehicles, located in Bensalem, Pennsylvania (hereinafter, the “DMV”).

Object of the Conspiracy

2. It was the object of the conspiracy to produce and sell Pennsylvania commercial driver’s licenses (hereinafter, “CDLs”) and non-commercial driver’s licenses to illegal aliens and other unauthorized individuals in exchange for cash payments from the individuals, which payments were divided among ROSARIO, HENRY and the other co-conspirators.

Manner and Means

3. It was a part of this conspiracy that defendant ALTAGRACIA ROSARIO would solicit as clients illegal aliens who wished to obtain Pennsylvania commercial or non-commercial driver’s licenses.

4. It was a part of this conspiracy that defendants CARLOS CASTRO, LAURA MORAGA and “PELON” LNU referred illegal aliens seeking Pennsylvania driver’s licenses to defendant ALTAGRACIA ROSARIO in return for which defendant ROSARIO provided defendants CASTRO, MORAGA and “PELON” LNU with a percentage of the fee paid by the illegal aliens.

5. It was a part of the conspiracy that defendant ALTAGRACIA ROSARIO obtained or manufactured fraudulent identity documents, including non-immigrant visas, Puerto Rican birth certificates, social security cards, and altered passports, which she provided to her clients for presentation at the DMV.

6. It was a part of the conspiracy that defendants ALTAGRACIA ROSARIO, NANCY ELGENDE, LIZETTE MAHSEL, JOSE RIOS and CHRISTOPHER NIX would arrange for the

illegal alien clients to be escorted into the DMV where defendant RONALD HENRY would process their driver's license applications.

7. It was part of the conspiracy that, in exchange for a payment from defendants ALTAGRACIA ROSARIO or NANCY ELGENDE, defendant RONALD HENRY would process and verify a client's paper work, represent that the client had successfully completed the required driver's test, and arrange for the issuance of a valid Pennsylvania driver's license, knowing that these individuals were not entitled to obtain such licenses.

Details of the Investigation

8. Through various investigative techniques, including surveillance and Court-authorized wiretaps, agents have obtained evidence which includes recordings of hundreds of conversations between the coconspirators and others. Some of those conversations are detailed below. All statements, unless otherwise noted, are set forth in substance and in part.

9. On July 15, 2005, an incoming call from defendant "PELON" LNU to defendant ALTAGRACIA ROSARIO was intercepted pursuant to a court-authorized wiretap of (609) 209-9875, which is subscribed to by defendant LIZETTE MAHSEL and billed to 338 Gordon Road, Robbinsville, New Jersey -- the residence of defendant ROSARIO (hereinafter, the "**Rosario Facility**"). During the ensuing conversation, defendant "PELON" LNU informed defendant ROSARIO that a man, believed to be an illegal alien seeking to obtain a Pennsylvania driver's license, was waiting for her near Exit 8 in Hightstown, New Jersey to give her a "passport" and a "deposit." Defendant ROSARIO called her daughter, defendant LIZETTE MAHSEL, over the **Rosario Facility** and asked her to meet the client to collect the passport and the deposit. Minutes later, an incoming call was intercepted over the **Rosario Facility** from the client. During that conversation, defendant ROSARIO told the client to give her daughter the passport and deposit. Another call was placed a few minutes later to the **Rosario Facility** by defendant CHRIS NIX. During that conversation, defendant ROSARIO gave defendant NIX the physical description of the client who was in possession of the passport and informed defendant NIX to meet the client at a Mexican restaurant. Law enforcement agents subsequently observed defendant MAHSEL and defendant NIX outside a Mexican restaurant in Hightstown, New Jersey meeting with three unidentified individuals, one of whom was believed to be the client seeking a Pennsylvania driver's license.

10. On July 21, 2005, an outgoing call was intercepted over the **Rosario Facility** to defendant LAURA MORAGA's husband. During the conversation, defendant ALTAGRACIA ROSARIO told MORAGA's husband to "tell [defendant MORAGA] not to bring [] the Puerto Rican papers, but the passport ones." "Puerto Rican papers" and "passport ones" are believed to be references to the types of fraudulent identity documents defendant ROSARIO uses to obtain driver's licenses for illegal aliens. Defendant ROSARIO also asked defendant MORAGA's husband, "[h]is is a transfer, right?" "Transfer" is believed to be a reference to the transfer of a client's out-of-state driver's license to a Pennsylvania driver's license.

11. The following day, law enforcement agents observed defendant LAURA MORAGA bring an unidentified individual, believed to be an illegal alien seeking to fraudulently obtain a Pennsylvania driver's license, to a mall near the DMV. At the mall, law enforcement agents observed defendant MORAGA meet defendants ROSARIO and NANCY ELGENDE in defendant ROSARIO's car. Soon thereafter, law enforcement agents observed defendant MORAGA and the client drive to the DMV parking lot. Defendants ROSARIO and ELGENDE followed in defendant ROSARIO's car. At the DMV, law enforcement agents observed defendant ELGENDE and the client leave the DMV together – presumably after commencing the processing of his driver's license. Defendants ROSARIO and ELGENDE then escorted the client to a nearby convenience store, where it is believed that money orders necessary to pay the DMV processing fees were obtained. Law enforcement agents observed defendant ELGENDE and the client enter the DMV for the second time. When the two left the DMV a short while later, the client returned to defendant MORAGA's car and drove away.

12. On July 27, 2005, an outgoing call was intercepted over the **Rosario Facility**. During that conversation, defendant "PELON" LNU informed defendant ALTAGRACIA ROSARIO that he had just made a telephone call to Costa Rica to see if he could assist an individual seeking a Pennsylvania driver's license. "PELON" LNU related that this individual had a Florida license already. Defendant ROSARIO indicated that this individual had agreed to lend the Florida license to her. Defendant "PELON" LNU responded that he had this individual's name and number but had forgotten to ask for a date of birth. "PELON" LNU asked whether ROSARIO could do something with this information, prompting her to respond that she could once she had the information from the Florida license. Defendant "PELON" LNU indicated that he would provide ROSARIO with all of the pertinent information the following day including the date of birth. Defendant ROSARIO replied, "I don't need his date of birth to ask for the records, just the license and the social security. I'll need his date of birth to make the passport;" thus indicating her intention to create a fraudulent passport for one of her clients to use to obtain a Pennsylvania driver's license.

13. On July 30, 2005, an outgoing call was intercepted over the **Rosario Facility** to a telephone facility used by defendant JOSE RIOS who was apparently outside the DMV with an illegal alien client seeking a Pennsylvania driver's license. During the call, defendant RIOS informed defendant ROSARIO that the client did not speak English, prompting ROSARIO to inquire whether a particular Spanish-speaking employee was present at the DMV. After defendant RIOS responded in the affirmative, defendant ROSARIO instructed defendant RIOS to "[g]o to him and tell him that [the client] wants an I.D. and to take care of [the client] and that he doesn't know English." Defendant RIOS agreed. This call indicates that defendant RIOS brought illegal alien clients of defendant ROSARIO to the DMV and that certain DMV employees, conspiring with defendant ROSARIO, would "take care" of those clients, that is, ensure that they received Pennsylvania driver's licenses.

14. On August 5, 2005, a conversation was intercepted over the **Rosario Facility** between defendant ALTAGRACIA ROSARIO and an individual believed to be an illegal alien. During the ensuing conversation, this individual asked defendant ROSARIO about a license for his

brother, noting that “[a]s a matter of fact you had done the license.” The caller explained that the license belonged to an individual who had departed for Costa Rica and that “Julio something, I think, is the name on the license.” Defendant ROSARIO asked, “[d]oes he have a good number?” The individual responded, “[t]hey’re some papers from the Island,” an apparent reference to Puerto Rico, natives of which enjoy full citizenship status. The individual next asked, “[h]ow much is it to change the picture, Grace?” Defendant ROSARIO, apparently reluctant to explain the specifics of creating fraudulent documents over the telephone, eventually responded that she would tell the caller in person when they met two days later.

15. On August 7, 2005, a conversation was intercepted over the **Rosario Facility** between defendant ALTAGRACIA ROSARIO and defendant CARLOS CASTRO. Defendant ROSARIO inquired what CASTRO had for her, prompting defendant CASTRO to respond that he had “[s]ome papers from over there, from the other side,” presumably a reference to fraudulent Puerto Rican documents. CASTRO also indicated that he had a client seeking to obtain a transfer of his license to Pennsylvania, but noted that he was waiting for a client to get paid “from the other guy from Costa Rica for the license, so we can change the picture.” CASTRO indicated that he had three clients but that the one who was seeking an unspecified type of license would be delayed “because the guy is charging him \$3500 for the papers and the license. For the big one it’s done and that license, it’s good.” This call relates to illegal aliens recruited by defendant CASTRO who are seeking to obtain Pennsylvania driver’s licenses, including commercial driver’s licenses - referred to as “the big one” - through the use of fraudulent documents.

16. On August 15, 2005, a conversation was intercepted over the **Rosario Facility** between defendant ALTAGRACIA ROSARIO and an individual believed to be an illegal alien. Defendant ROSARIO told this individual that she would ask defendant RONALD HENRY if the individual could go to the DMV the next day to have his picture taken because HENRY would be out of the office later during the week. The caller asked how much more he would have to pay, complaining that “I’m broke,” and that he would have to borrow the money. Defendant ROSARIO informed him that he would have to pay defendant HENRY \$500 the following day. The caller, who was apparently obtaining a non-commercial driver’s license but hoped to later obtain a CDL, also asked “after the small one, how long do I have to wait? Like two months or what?” Defendant ROSARIO replied that he would have to wait at least a week because her daughter- a reference to defendant NANCY ELGENDE - had to take a number of tests for “a Russian guy,” who is believed to be another individual who recruits illegal aliens to fraudulently obtain Pennsylvania driver’s licenses through the assistance of defendant HENRY. The caller then stated that he was “going to see if I can get you some [additional] clients so that you can give me a discount,” thus indicating his willingness to serve as a recruiter for ROSARIO.

17. On August 16, 2005, a conversation between defendant ALTAGRACIA ROSARIO and an individual believed to be an illegal alien was intercepted over the **Rosario Facility**. This individual informed ROSARIO that he had spoken with his brother whom he identified as the “one who has a green card and everything,” thus indicating that his brother had procured at least some of the documents necessary to obtain a Pennsylvania driver’s license. The caller explained that his brother wanted to know how much defendant ROSARIO would charge him for obtaining

a driver's license, prompting defendant ROSARIO to respond that the price would be \$2,000. Defendant ROSARIO indicated that there would be two unspecified things that she would do for the caller's brother and indicated that she would have to speak to "the man," an apparent reference to defendant RONALD HENRY. The caller stated that he would speak with his brother to determine whether his brother wanted to proceed, and indicated that if his brother did not wish to pay the \$2000, "I'll call you to let you know that I'm only bringing the other guy," - believed to be another illegal alien looking to obtain a Pennsylvania driver's license.

18. On August 16, 2005, a call was intercepted over the **Rosario Facility** between defendant ALTAGRACIA ROSARIO and the individual referred to in the previous paragraph. The caller informed ROSARIO that his brother had stated that \$2000 was "too much since he has everything," thus indicating that his brother would not need ROSARIO to create fraudulent documents on his behalf. The caller inquired whether defendant ROSARIO would be willing to accept \$1500, to which ROSARIO responded "fine." The caller then explained that his brother "only needs to pass the test." The caller and defendant ROSARIO then discussed when the caller's brother would need to arrive the following day at the DMV. Defendant ROSARIO instructed the caller to tell his brother "to be there at 9:30 with the green card and social security [card]."

19. On August 18, 2005, surveillance agents observed defendant ALTAGRACIA ROSARIO and defendant NANCY ELGENDE in the parking lot of the DMV. Thereafter, a tan Lexus pulled into the parking lot next to defendant ELGENDE's car. At approximately the same time, a call was intercepted over the **Rosario Facility**. During the ensuing conversation, defendant ELGENDE informed defendant ROSARIO that her "clients are here." Defendant ELGENDE then left her car and entered the rear seat of the Lexus. Minutes later, another call was intercepted over the **Rosario Facility** which had been placed to the cellular phone of defendant RONALD HENRY. During the ensuing conversation, defendant ROSARIO told defendant HENRY that "Nancy just has to do a test . . . Do you want to do it? You want me to send him in?" The investigation has determined that defendant NANCY ELGENDE frequently takes the driver's tests for the clients, and that defendant HENRY allows ELGENDE to sit with the client at which time she supplies the client with the correct answers.

20. Soon thereafter, defendant NANCY ELGENDE and an unidentified man, believed to be an illegal alien seeking a Pennsylvania driver's license, exited the Lexus and entered the DMV. Inside the DMV, defendant ELGENDE and the client spoke briefly with defendant RONALD HENRY, who was working at one of the booths designated for driver's license applicants. Defendant HENRY directed defendant ELGENDE and the client to a computer station area where the driver's knowledge tests are taken. Defendant HENRY then joined defendant ELGENDE and the client at the computer station. Defendant HENRY said "Good luck" to the client. The client then took the driver's license test on the computer while defendant ELGENDE monitored the client, presumably supplying the client with the answers..

21. Defendant NANCY ELGENDE, the client, and two unidentified individuals soon left the DMV. Shortly thereafter, a conversation was intercepted between defendant ALTAGRACIA

ROSARIO and defendant ELGENDE over the **Rosario Facility**. During the ensuing conversation, defendant ELGENDE informed defendant ROSARIO that the clients were “happy.” Defendant ELGENDE also told defendant ROSARIO that the clients were supposed to come back on Monday to have their pictures taken. Defendant ELGENDE told defendant ROSARIO that defendant ELGENDE needed to get money from the clients to pay the “old man” – a reference to defendant RONALD HENRY. Defendant ROSARIO volunteered to pay defendant HENRY on behalf of defendant ELGENDE. When defendant ROSARIO asked defendant ELGENDE how much was owed defendant HENRY, defendant ELGENDE told her “8”– believed to be a reference to \$800.

22. On August 21, 2005, a conversation between defendant CARLOS CASTRO and ALTAGRACIA ROSARIO was intercepted over the **Rosario Facility**. During the ensuing conversation, defendant CASTRO told defendant ROSARIO that he had spoken to “a guy who has papers from Costa Rica,” and indicated that this individual, who is believed to be an illegal alien, wanted a non-commercial driver’s license. Defendant CASTRO stated that someone had referred this individual to CASTRO who had told the individual that ROSARIO would charge him “two and a half,” a reference to \$2500. CASTRO also wondered whether ROSARIO wished him to bring this client to ROSARIO the following day. Defendant ROSARIO replied by asking, “[h]ow much?” Defendant CASTRO answered that “he told him \$2,500,” and had explained that the client would have to speak with ROSARIO. It is believed that \$2,500 was the fee that defendant ROSARIO intended to charge this illegal alien for fraudulently procuring a Pennsylvania driver’s license.